IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO. 955 OF 2004

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TESTAMENTARY SUIT NO. 19 OF 1998

IN

TESTAMENTARY PETITION NO. 291 OF 1996

Avabai Bomanji Wadia & ors. ... Ploaintiffs.

... Petitioners.

Vs.

Zarine S. Rao ... Defendant.

... Respondent.

Mr. N.A. Shah with S.K. Shah, S. Uttam & V. Bilve i/b. Mulla & Mulla for the Petitioners/Plaintiffs.

Mr. Mahendra Shah & Ms. Deepa Chavan i/b. Little & Co. for the Defendant/Respondent.

**CORAM : S.K.Shah, J.**
**DATE : January 20, 2005.**

P.C.:-

1. The Commissioner has submitted the Report. The Report indicates that the locker contained number items of jewellery and yellow metal articles.

2. The learned Counsel for the Petitioner submits that a Valuer may be appointed for evaluating the all the articles found in the locker and a direction be issued to the Commissioner to get the articles valued. The learned Counsel for the defendant has no objection for appointment of Valuer.

3. It is, therefore, directed that the Prothonotary shall appoint a Valuer from the panel of the valuers, available with the High Court.

4. The Commissioner shall get all the articles, found in the locker, valued from the Valuer in presence of the parties and submit the Report within four weeks. The articles shall be placed back into the locker.

5. As directed in paragraph 9 of the Order, dated 25th November, 2004, the closed envelopes were opened and they are found to have contained dividend warrants, which are as per the list produced by the learned Counsel for the Petitioner. Taken on record and marked 'X' for identification.

6. Court Receiver is hereby appointed to take charge of the Shares, Stocks and Securities, as indicated in Schedule -I of the Petition, from the premises, being Flat No. 61, Las Palmas, Little Gibbs Road, Malbar

Hill, Mumbai 400 006.

7. The Receiver is hereby authorised to receive the dividends in respect of the above Shares, Stocks and Securities. He is also authorised to recover the dividends from the respective companies, which have lapsed.

8. The Cost of the Commissioner and the Valuer shall come out of the estate of the deceased. The Receiver shall pay these costs from the estate of the deceased. The Costs of the Commissioner will be quantified after he submits the Report.

9. The Commissioner, the Receiver, the Officers of the Banks, Companies etc. and the parties to act on an Ordinary Copy of this Order, duly authenticated by the Associate of this Court.

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**[S.K.Shah, J.]**